

## RECONSTRUCTION

Overview of principal Reconstruction proposals and plans:

-- 1864-65: Lincoln's 10% plan

-- 1865: **13<sup>th</sup> Amendment**

-- 1865-66: Presidential Reconstruction: Johnson's version of Lincoln's proposal

-- 1866-67: Congressional plan: 10% plan with 14th Amendment

-- 1867-77: Military Reconstruction (Congress): **14th Amendment** plus black suffrage

later established nationwide by **15th Amendment**.

-- Compromise of 1876: ends Reconstruction

What was Reconstruction? An attempt to achieve national reunification and reconciliation and to improve the status of former slaves (freedmen). The reality is that it was enormously difficult to satisfy both these goals. "Politics is the art of the possible." The North prevails during the Civil War. The South prevails after the war.

I. Four main questions vis-à-vis Reconstruction of the post-Civil War South:

1. How to rebuild the South after its destruction during the Civil War?
2. What would be the condition of African Americans in the South?
3. How would the South be reintegrated into the Union?
4. Who would control process of Reconstruction: Southern states, president, or Congress?

II. What should be done with the leaders of the Confederacy?

- A. Jefferson Davis imprisoned for two years (others as well); eventually released.
- B. President Johnson pardoned all rebel leaders in December 1868.

III. **13th Amendment** (Ratified in December, 1865)

- A. Effective when 3/4 of states ratified it; had passed with required 2/3 vote in Congress.
- B. Slavery abolished: "Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the U.S. or any place subject to their jurisdiction.
- C. "Congress shall have power to enforce this article by appropriate legislation.

IV. Rebuilding the South

- A. Richmond, Charleston, and Atlanta were destroyed
- B. Economically the South lay in ruins
  1. Banks ruined by runaway inflation
  2. Factories were closed or destroyed
  3. Transportation system was devastated.
- C. Agriculture
  1. Cotton fields now fields of weeds
  2. Livestock gone after northern invasion

3. Agricultural output did not return to 1860 level until 1870; much from new Southwest
- D. Planter aristocrats devastated
  1. Value in slaves disappeared
  2. Many mansions destroyed or ruined

## V. African Americans in the immediate post-Civil War South

### A. **Freedmen's Bureau** (created in 1865 by Congress)

1. Headed by **Gen. Oliver O. Howard** (later founded and served as president of Howard University in Washington D.C.)
  - Members included many Northerners including former abolitionists who risked their lives to help the freedmen in the South; one of several northern groups called "**carpetbaggers**" by white southern Democrats.
2. Purpose: To help unskilled, uneducated, poverty-stricken ex-slaves to survive
3. Provided food, clothing, medicine & education to ex-slaves and poor whites
  - a. Taught about 200,000 blacks how to read; many freedmen eager to read the Bible
  - b. Negotiated labor agreements between freedmen and planters.
4. Authorized to provide "40 acres and a mule" from confiscated or abandoned land to black settlers.
  - a. In certain areas, the Bureau distributed no land.
  - b. Sometimes collaborated with planters in expelling blacks from towns and forcing them to sign labor contracts to work for their former masters.
5. Southern violence against "carpetbaggers" and blacks was significant.
  - a. Anyone aiding African American rights in the South during Reconstruction risked being a victim of violence.
  - b. In Louisiana in summer and fall of 1868, white Democrats killed 1,081 people most of whom were either black or white Republicans.
6. Bureau expired in 1872
  - Johnson had tried to kill it repeatedly as he was a white-supremacist along with most white Southerners

## VI. Presidential Reconstruction

### A. **Andrew Johnson**

1. Champion of poor whites against planter aristocrats as a politician in TN.
  - Yet, he owned some slaves.
2. Refused to secede with Tennessee in April of 1861 and remained in the Senate.
  - Served as military governor of TN when Union armies reconquered the state.
3. Lincoln's vice presidential candidate for the Union party in 1864
  - Seen as attractive to War Democrats and other pro-Southern groups
4. Perhaps the most overtly racist president in U.S history.
  - a. a. He knew this type of rhetoric resonated with a large portion of the electorate (both North and South).

### B. Presidential Reconstruction

1. 1863, Lincoln gave his "10 percent" Reconstruction plan
  - a. 10% of ex-Confederate states' voters in 1860 election had to pledge allegiance to the U.S. and abide by emancipation to be reintegrated into the Union

- b. Next step would be creation of a state gov't which Lincoln would then recognize.
    - c. Congressional Republicans sharply rejected the 10% plan claiming it was much too lenient and did not safeguard Union gains.
      - Feared southern planter aristocracy regaining power and possible re-enslavement of African Americans.
  - 2. **Wade-Davis Bill** (1864)
    - a. Passed by Republicans, required 50% of state's voters in 1860 election to take oath of allegiance and demanded stronger safeguards for emancipation than Lincoln's plan.
      - i. States then would have a Constitutional convention that would require approval by Federal gov't
        - "Iron-clad Oath": "Never voluntarily aided the Confederacy"
      - ii. **"State suicide theory"** --Claimed Confederate states had forfeited all their rights by seceding from the Union; "committed suicide" as states.
      - iii. States should be readmitted only as "conquered provinces" subject to the conditions and wishes of Congress.
    - b. Lincoln "pocket vetoed" bill by refusing to sign it after Congress had adjourned.
    - c. In response, Republicans refused to seat delegates from Louisiana after it had met the requirements of Lincoln's 10% plan in 1864.
  - 3. Two congressional factions emerged among Republicans
    - a. Majority moderate group agreed with Lincoln that the Confederate states should be reintegrated ASAP but on Congress' terms, not Lincoln's.
    - b. Minority radical group wanted South's social structure uprooted, the planters punished, and blacks protected before states were restored.
  - 4. Johnson recognized several of Lincoln's 10% governments while Congress was not in session.
    - a. Johnson agreed with Lincoln that states had never legally been outside the Union
    - b. May 1865, issued his own Reconstruction proclamation.
      - i. Disenfranchised certain leading Confederates.
        - Yet, granted many pardons for ex-Confederates
      - ii. Called for special state conventions required to repeal ordinances of secession, repudiate all Confederate debts, and ratify the 13th Amendment
        - He reluctantly agreed to include 13th Amendment as a condition
    - c. Pardons of planter aristocrats soon gave many of them the power to control the organization of their states during the second half of 1865
    - d. Republicans were outraged that planter elite once again controlled many areas of the South.
- C. C. White southerners had a window of opportunity to get off easy in 1865-66 (while Congress was out of session) but their actions provoked Congress to react strongly
- a. a. Former Confederate leaders began being elected to high offices.
    - i. Alexander Stephens, VP of the Confederacy is now a senator from GA!
    - ii. Confederate generals elected to high office.

- b. b. Black Codes in 1866 (see below)
- c. c. Violence against blacks in South began in summer 1865; massacres occurred in 1866
  - i. i. KKK founded in Tennessee
  - ii. ii. Southern whites, in effect, fought a guerilla war for white supremacy that they were unwilling to wage for the Confederacy.
- d. d. Thus, Radical Republicanism was a *reaction* to white supremacy rather than a desire to arbitrarily punish the South.
  - i. i. Northerners convinced Southerners had not learned their lesson from the war.
- e. e. Why did southerners resist so strongly?
  - i. i. Blacks left plantations leaving shortages in labor
  - ii. ii. Blacks perceived as "uppety" when they try to negotiate labor contracts
  - iii. iii. Vast majority of occupation forces in the South were black Union soldiers

#### D. Black Codes

1. Designed to regulate affairs of freedmen (as the slave statutes did pre-Civil War.)
2. Purpose: Guarantee stable labor supply now that blacks were emancipated.
  - a. Severe penalties on blacks that "jumped" their labor contracts that committed them to work for the same employer for a year at very low wages.
  - b. Violators could be made to forfeit back wages or forcibly made to work by a paid "Negro catcher."
3. Purpose: Restore pre-emancipation system of race relations (to furthest extent possible)
  - a. Freedom recognized and marital rights granted but few other rights given
  - b. Forbade blacks to serve on juries or testify against whites.
  - c. Some forbade blacks from renting or leasing land.
  - d. Blacks not allowed to vote
  - e. "Vagrancy" -- "Idle" blacks could be sentenced to work on a chain gang.
4. Forced many blacks to become **sharecroppers** (tenant farmers).
  - a. Result: Many blacks sank to level of indentured servitude where generations remained on one plot of land, indebted to the plantation owner.

#### VII. Congressional Reconstruction

- A. Republicans furious that many ex-Confederates were elected to Congress.
  1. Did not allow Democrats in on first day of congressional session in Dec, 1865.
    - a. Feared loss of political advantage that had yielded Homestead Act, Morrill Tariff, and the Pacific Railroad Act.
      - Free black population would increase southern representation in Congress and presidential electoral votes by 12.

- b. Feared southerners might win control of Congress by uniting with northern Democrats; perhaps even the presidency.
- i. Black codes could then be implemented at federal level or slavery could be reinstated.
- ii. Also concerned about re-routing of federal railroad, rescinding of Homestead Act, and possible repudiation of national debt.

## **B. Civil Rights Bill of 1866**

1. Passed in reaction to Johnson's declaration of presidential reconstruction in Dec. 1865 and his veto of the Freedman's Bureau in Feb. 1866 (Congress overturned his veto)

2. Provisions:

- a. Gave blacks citizenship and aimed to destroy the Black Codes.
- b. Johnson vetoed it but Congress overturned his veto in April.
- c. From then on, Congress frequently overturned Johnson's vetoes and assumed effective control on the gov't.

## **C. 14th Amendment** (Approved by Congress and sent to states in June 1866)

1. Purpose: Republicans sought to place principles of Civil Rights Bill into a constitutional amendment as protection against a future southern takeover of Congress and subsequent removal of Civil Rights Bill with simple majority.

2. Provisions:

- a. Gave civil rights inc. citizenship (but not inc. voting rights) to blacks.
- b. Reduced proportionately the representation of a state in Congress and in the Electoral College if it denied blacks voting rights.
- c. Disqualified from federal and state office former Confederates who had once held office.
- d. Guaranteed the federal debt while repudiating all Confederate debts.

## **D. 1866 Congressional elections centered largely on reconstruction issue.**

1. Johnson asked Southern states to reject 14<sup>th</sup> Amendment as he campaigned for Democrats on his "swing around the circle" tour.

-- All Southern states except TN rejected it putting it in temporary limbo.

2. Republicans won 2/3 majority ("supermajority") in House & Senate in Congressional elections of 1866

a. Significance: Republicans now instituted Military Reconstruction (see below).

i. Radicals led in the Senate by **Charles Sumner**

ii. Radicals led in House by **Thaddeus Stevens** from PA.

### **b. Radical Republicans**

-- Sought to keep out Southern states from the Union as long as possible & to effectuate drastic social & economic change in the South.

### **c. Moderate Republicans** (consisted of the majority)

-- Preferred policies that kept states from infringing on citizens' rights rather than direct federal intervention in peoples' lives.

## **E. Military Reconstruction** (see Bailey p. 469 for map)

1. **Military Reconstruction Act** (March, 1867)

a. South divided into five military districts, each commanded by a Union

- general and policed by the Union army (about 20,000 total)
  - b. Disenfranchised 10s of thousands of former Confederates.
  - c. Congress also required seceded states to ratify the 14th Amendment before being allowed back into the Union.
  - d. States had to guarantee in their state constitutions full suffrage for blacks
    - Paved the way for easy ratification of the 15th Amendment
- 2. Stopped short of giving freedmen land or education at federal expense
  - a. Military rule ended by 1868 in all but three Southern states.
  - b. Did not want to make federal gov't directly responsible for protection of black rights.
  - c. Short-sighted policy led to a century of institutional discrimination against blacks.
- 3. Significantly, Republicans in 1867 could not get northerners to agree to suffrage for blacks in the North as racist tendencies were strong. Republicans held a razor thin supermajority and could not push the suffrage issue lest they be voted out.
  - • (President-elect Grant did not receive a majority of the white vote in 1868!)
  - • In 1867, Radical Republicans now seek to get Johnson out of office.
- 4. **Johnson is impeached**
  - a. Congress passed the **Tenure of Office Act** in 1867 over Johnson's veto.
    - i. President couldn't remove senate-approved appointees w/o approval of the Senate.
  - b. Purposes:
    - i. Keep Sec. of War Edwin Stanton in the cabinet who was secretly serving as a spy for the radicals.
    - ii. Provoke Johnson into breaking the law thus laying foundation for impeachment.
  - c. Johnson, believing the act unconstitutional and depending on support from Supreme Court, fired Stanton in early 1868.
    - Johnson did not believe the law applied to Lincoln's appointees.
  - d. In response, House voted 126 to 47 to impeach Johnson for "high crimes and misdemeanors," as called for in the Constitution.
    - Main issue was Johnson's violation of the Tenure of Office Act.
  - e. Senate refused to remove Johnson by one vote (2/3 needed).
  - f. Outcome was probably beneficial for the country
    - Johnson's removal may have set a destructive precedent, severely weakening the executive branch.
- 5. **15th Amendment** (Passed in 1869; ratified in 1870 during Grant's presidency)
  - a. Purposes:
    - i. Ensure state guarantees of suffrage if southerners took control of Congress in future
    - ii. Strengthen Republican control of southern states; boost Republican votes in North.
  - b. Provisions: Suffrage for black males
  - c. Loopholes
    - i. Said nothing about holding office
    - ii. Voting requirements not uniform throughout the country.

- iii. Poll taxes, literacy tests, and property requirements not addressed
  - Literacy tests administered unfairly to favor illiterate whites.
- iv. "**grandfather clauses**" aimed to reduce number of black voters
  - Required citizenship prior to 14th Amendment
- v. Gerrymandering (especially in Virginia)
- vi. Intimidation
  - Lynchings in 1892 (230) all-time high followed by 1884 (211).
- vii. Women were excluded
  - Female leaders of the abolitionist movement split from the males.
- viii. Poor whites also disenfranchised
- d. Result:
  - i. Democratic dominance in South assured as 14th and 15<sup>th</sup> Amendments ignored.
    - Many southern Republican voters denied suffrage.
  - ii. Full suffrage for blacks not realized until 1965.
- 6. **Civil Rights Act of 1875**
  - a. Crime for any individual to deny full & equal use of public conveyances and public places e.g. hotels, trains, railroads, theaters, and restaurants.
  - b. Prohibited discrimination in jury selection
  - c. Shortcoming: Lacked a strong enforcement mechanism
  - d. Dismayed northerners didn't attempt another civil rights act for 90 years!
- 7. The end of reconstruction
  - a. By 1870, all former Confederate states had reorganized their state gov't's and reintegrated into the Union, having adopted the 14th and 15th Amendments.
    - i. Once state gov't's ("radical regimes") seemed on solid footing in the South, forces were removed.
    - ii. By 1876, whites again dominated southern politics
  - b. Northerners now concerned with other issues rather than helping freedmen.
  - c. Panic of 1873-1879 focused politics on economic issues
  - d. **Compromise of 1877**
    - i. Election between Republican **Rutherford B. Hayes** and Democrat **Sam Tilden** inconclusive.
      - Tilden led popular vote and 184-165 in electoral college; 187 votes needed to win.
      - 20 electoral votes in question due to fraud & violence in SC, FL, & LA + questions of voter eligibility in Oregon.
      - 15 member commission eventually gave Hayes all 20 votes but Democrats filibustered.
    - ii. Compromise: North was allowed to have Hayes as president while last remaining federal troops to be removed from SC FL & LA
- 8. Military Reconstruction resulted in a significant decline in presidential power.
  - a. Supreme Court had ruled in case *Ex parte Milligan* (1866) that military tribunals (executive branch) could not try civilians if civil courts nearby.
  - b. Since desperate times call for desperate measures, the Supreme Court avoided confronting Congress about its imposition of martial law.

- c. During subsequent Gilded Age presidents would be weak and faceless while Congress would dominate.

#### VIII. Radical Reconstruction in the South

- A. Suffrage policy somewhat hypocritical on the part of the North.
  - Most northern states denied suffrage to blacks until 15th Amendment
- B. African American suffrage saw temporary gains in the South
  1. Blacks made up the majority of voters in AL, FL, LA, MI, and SC but only in SC did they make up majority in the lower house.
  2. No senate had a black majority nor were there any black governors during the period coined by white southerners as "black reconstruction."
  3. Nevertheless, many black representatives served with distinction; some well-educated.
    - Two black senators from MI: **Hiram R. Revels** and **Blanche K. Bruce**.
- C. Corruption in state legislatures
  1. "**Scalawags**" (term coined by white Southern Democrats)
    - a. Southern men, formerly Unionists and Whigs, who supported Reconstruction.
    - b. Hated by former Confederates who exaggerated their corruption and plundering of Southern treasuries through their political influence.
  2. "**Carpetbaggers**"
    - a. Mainly Northern Republicans who supposedly had packed all their possessions into a single carpet-bag suitcase and came to the South to seek their fortune.
    - b. Consisted of Union soldiers, teachers, and businessmen who arrived in the South before 1867.
      - Reaped benefits during military reconstruction
    - c. Resented by the white South as federal interference; significant violence occurred.
- D. Positives from Reconstruction
  1. Steps taken to est. adequate public schools.
  2. Tax systems were improved
  3. Public works projects were launched esp. in transpiration
  4. Property rights for women guaranteed.
  5. Apportionment made more equal in state legislatures
  6. Property requirements eliminated for holding office

#### IX. Rise of the **Ku Klux Klan**

- A. Essentially a rebellion against "radical" rule; in effect, terror wing of Democratic party.
  1. Goal: Overthrow Reconstruction governments in the South and replace them with white supremacy oriented Democratic government.
  2. Many whites resented success and efficacy of black legislators as they did the alleged corruption of Carpetbaggers and Scalawags.
  3. KKK, the "Invisible Empire of the South," founded in TN in 1866
  4. Consisted of whites from all classes in the South
- B. Used terrorism while clad in white sheets to intimidate blacks, Carpetbaggers & Scalawags
  1. Flogging, mutilation, or murder became rampant.
  2. Became effective in many areas for discouraging blacks from attaining their rights.
- C. Succeeded in decimating Republican organization in many localities.
  - In response, new southern governments looked to federal gov't for survival.
- D. **Force Acts of 1870 and 1871** (also called **Enforcement Acts**) -- 1871 law also called



### "KKK Act"

1. Federal troops were sent to quell the KKK's intimidation while terrorist groups were outlawed.
  - Significance: 1st time federal gov't protected individuals, not local authorities
2. Moderately successful in destroying the KKK yet much KKK intimidation had already had an effect.

## X. Rise of the **Solid South**

- A. White supremacist **Solid South** dominated by Democrats in each state.
  1. Remaining Republican gov't's in South collapsed
  2. Republican party dead in South for about 100 years.
  3. "**The Lost Cause**": Southern resentment and humiliation would last generations.
    - Resulted in increased violence and discrimination toward blacks
- B. **Redeemers**: coalition of prewar Democrats, Union Whigs,
  1. Confederate army veterans, and individuals interested in industrial development.
    - Rise of many ex-plantation owners (sometimes called "**Bourbons**")
  2. Sought to undo changes brought about by the Civil War.
  3. Won many local elections in 1870s vowing to dismantle the "corrupt" Reconstruction system.
  4. Policies affected blacks and poor whites alike
    - Exacerbated class strife and racial violence that followed the Civil War.

## XI. **Purchase of Alaska** (1867)

- A. Russia overextended in North America; realized another war with Britain would probably mean British takeover of Alaska.
  - Fur supply exhausted; Alaska a financial liability
- B. Sec. of State Seward signed treaty w/ Russia to purchase Alaska for \$7.2 million.
  1. Many criticized him for purchasing what seemed to be a wasteland: "Seward's Folly," "Seward's Icebox," "Frigidia," "Walrussia"
    - U.S. in midst of Reconstruction: antiexpansionist; economic matters more important.
  2. Gov't felt obligated not to shun Russia's offer since Russia had been very friendly to the North during the Civil War.
    - In addition, area rumored to be abundant in furs, fish and gold.
- C. Alaska was to become a major source of oil for U.S. and a sizable fishery.

## XIV **Post-Reconstruction Civil Rights**: Road to institutional discrimination

- A. Reconstruction failed to empower blacks politically
  - The white South openly disregarded the 14th & 15th Amendments for several generations.
- B. **Sharecropping** became a wide-scale practice keeping blacks tied to plantation owners w/ **crop lien laws**, which facilitated the binding of blacks unable to pay their debts.
- C. **Slaughterhouse Cases**, 1873 (still during Reconstruction)
  1. 14th Amendment protected against *federal infringements* of abridged "privileges and immunities," not state infringements.
    - Thus, in effect the states were able to discriminate against their citizens.

2. Molded interpretation of 14th Amendment for decades.

**D. Civil Rights Cases, 1883**

1. Court claimed 14th Amendment protected individuals from state action, not individual action.

-- Overturned Civil Rights Act of 1875 which protected individuals in states.

2. Significance: a discouraged Congress didn't pass another Civil Rights law until 1957.

E. Wholesale disenfranchisement began in 1890 -- achieved by intimidation, fraud, and trickery.

1. **Poll taxes** & property requirements; **literacy tests** admin. unfairly to favor illiterate whites.

2. "**grandfather clauses**" aimed to reduce number of black voters while enfranchising white voters who did not meet #1 & #2

-- Required citizenship prior to establishment of 14th Amendment

**3. Gerrymandering**

4. "**Jim Crow**" laws in 1890s (beginning in 1881) intended to segregate blacks in public facilities: e.g., public schools, railroad cars, restaurants

**F. Lynchings** as a form of intimidation

1. During 1890s, 200 blacks were lynched per year; 4/5 in the South.

2. **Lynchings** in 1892 (230) all-time high followed by 1884 (211).

3. Lynch law and mob rule competed with justice in many areas.

4. **Ida B. Wells-Barnett**: Black journalist who launched an international antilynching movement whose goal was a federal antilynching law.

**G. Booker T. Washington** and education for African Americans

a. 44% of non-whites illiterate in 1900; most from the South.

b. Became head of the black normal and industrial school at **Tuskegee**, AL in 1881

-- Taught useful trades as a means toward self-respect and economic equality, rather than a classical, education.

-- Started with only 40 students who literally built the school.

c. Advocated policy of **accommodation** in which he grudgingly accepted segregation in return for the right to develop economic and educational resources of the black community.

i. Urged blacks to adopt white middle-class standards in speech, dress, and habits so blacks would gain respect of whites.

ii. Established in the "**Atlanta Compromise**", 1895 (paves way for *Plessy v. Ferguson*)

d. Ironically, Washington labored secretly against Jim Crow laws and racial violence, writing

letters in code names and protecting blacks from lynch mobs.

-- His efforts, however, were little known in his time.

H. ***Plessy v. Ferguson* (1896)** capped the failure of Reconstruction by making it constitutional to segregate the black and white races: "**Separate but equal**"

1. Court ruled that separation was legal so long as facilities were equal.

2. This ruling henceforth applied to schools and other public places.

3. Remained intact until ***Brown v. Board of Education*** in 1954:

I. ***W.E.B. DuBois*** opposed Washington and demanded immediate social and economic equality for blacks.

1. His opposition to Washington as well as other blacks led to the formation of the **Niagara Movement** (1905-1909)
    - a. Demanded immediate end to segregation and to discrimination in the unions, courts, and public facilities.
    - b. Demanded equality of economic and educational opportunity.
    - c. Laid the groundwork for creation of the NAACP.
  2. DuBois demanded that the "**talented tenth**" of the black community be given full and immediate access to the mainstream of American life.
- J. NAACP (National Association for the Advancement of Colored People)**
1. After **Springfield Race Riots** in 1909, a group of white progressives inc. Jane Addams, John Dewey, William Dean Howells, and editor Oswald Garrison Villard formed the **NAACP** (1910)
  2. Adopted many of the goals of the Niagara movement
  3. DuBois as director of publicity and research, and editor of their journal, *Crisis*.
  4. Goal: attainment of equal rights for blacks through the use of lawsuits in federal courts.
  5. Opposed political and economic subordination of blacks for promoting the leadership of a trained, black elite.

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